

THE VIRGINIA BOARD OF SOCIAL WORK
MINUTES
FRIDAY, July 20, 2012

The Virginia Board of Social Work ("Board") meeting convened at 10:08 a.m., on Friday, July 20, 2012, at the Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia. Susan Horne-Quatannens, Chair called the meeting to order.

BOARD MEMBERS PRESENT: Jennifer Blosser
Willie T. Greene, Sr.
Yvonne Haynes
Susan Horne-Quatannens, Chair
Wayne Martin
Catherine L. Moore
Nettie Simon-Owens
Patricia Smith-Solan

**BOARD MEMBERS
NOT PRESENT:**

Arthur Mayer

STAFF PRESENT:

Elizabeth Carter, Director DHP Healthcare Workforce Data Center
Howard Casway, Sr. Assistant Attorney General
Catherine Chappell, Executive Director
Sarah Georgen, Administrative Assistant
Patricia L. Larimer, Deputy Executive Director – Discipline
Dianne Reynolds-Cane, DHP Director
Elaine Yeatts, Senior Policy Analyst

ORDERING OF AGENDA

Ms. Chappell requested that the agenda be amended to include discussion of proposed dates for the upcoming 2013 Board meetings during New Business. She also requested that Ms. Georgen provide a Board office report following the Deputy Director's report. The agenda was accepted as amended.

PUBLIC COMMENT

Debra Riggs, Executive Director of the NASW, Virginia Chapter provided public comment regarding the proposed "Resident" license. Ms. Riggs stated that the NASW-VA does not support the "Resident" license as it would be unnecessary to meet the requirements of the Department of Medical Assistance Services ("DMAS") and the Department of Behavioral Health and Developmental Services ("DBHDS"). She also expressed support from the NASW-VA regarding the proposed petition for rule-making that was listed on the agenda for Board discussion.

Joseph Lynch, LCSW spoke on behalf of the Virginia Society for Clinical Social Work regarding access to LCSW licensure, workforce concerns, communication with stakeholders, and information technology guidelines with respect to continuing education. He expressed opposition to the "Resident" license.

Rick Goodling, Legislative Vice President of the Virginia Society for Clinical Social Work, also commented on the proposed “Resident” license, stating that VSCSW does not support this type of licensure as it could be misleading to the public and provide confusion of titles and standards of care.

APPROVAL OF MINUTES – April 20, 2012 Board Meeting

Mr. Martin moved that the minutes of the April 20, 2012 Board meeting be approved as written. The motion was seconded by Mr. Greene and passed.

DIRECTOR’S REPORT – Dr. Cane

Dr. Reynolds-Cane noted that several agency policies, including procedures for summary suspensions, required reports on impaired practitioners and video teleconferencing, have been implemented. Dr. Reynolds-Cane also noted that the Healthcare Workforce development grants were approved and that the use of the Prescription Monitoring Program continues to increase. She reported that she has been conducting a weekly progress check of the regulations that are currently at the Governor’s Office. Dr. Cane reported that proposed legislation for the 2013 General Assembly session is due to the Secretary’s office in August 2012.

Dr. Reynolds Cane reported that Board member orientation is scheduled for September 28, 2012 for new appointments and current Board members.

HEALTH WORKFORCE DATA CENTER SURVEY RESULTS – Elizabeth Carter

Dr. Elizabeth Carter presented the Healthcare Workforce Data center report which was developed from upon responses to the 2011 online renewal survey. The report provides baseline information on the working population of Licensed Clinical Social Workers (“LCSW”). Dr. Carter requested comments regarding this report be sent to her by August 15, 2012.

EXECUTIVE DIRECTOR’S REPORT – Catherine Chappell

Outreach. Ms. Chappell reported that the Board continues outreach efforts to the Board’s stakeholders, including applicants, licensees professional organizations, students, and other state agencies with the goal of educating them on supervision and licensing requirements. As a result, applications are submitted in a more complete manner and provide detailed information which leads to more efficient turnaround.

Meeting with Stakeholders. She also reported that she, Dr. Cane, Ms. Yeatts, and Mr. Casway met with a group of stakeholders on Wednesday to listen to their thoughts and concerns regarding licensure issues for both the Board of Social Work and the Board of Counseling. The discussion included endorsement requirements, clinical supervision duties, and education concerns that affect both boards. Participants recognized that all involved played an essential role in providing quality mental health services to the citizens of the Commonwealth and that the current volume and complexity of applications were expected to continue.

Presentations to Professional Associations. Ms. Chappell stated that she continues to welcome opportunities to speak to organizations about the licensing process. She is scheduled to speak to the VA Society of Clinical Social Workers – Richmond Chapter in September, where she will be meeting with students at Virginia Commonwealth University (“VCU”). She has also been asked to participate in the NASW annual meeting in March 2013.

Financial Status Update. Ms. Chappell distributed a report of the Board’s finances in an effort to provide transparency and for Board member information. As of May 31, 2012, sufficient cash flow existed, but the Board is projecting a cash shortfall for December 31, 2012, which is an ongoing trend during the 18th month of each renewal cycle for the Board. If fee increases and annual renewals are approved by the Governor, this would remedy the biennial shortfall.

Board Member Appointments. She reported that staff is awaiting information on appointments and reappointments of board members. Ms. Chappell stated that recognition of departing board members and the welcome of new board members will likely occur at the October 2012 board meeting.

Board Member Training Opportunities. Ms. Chappell noted that Jennifer Blosser and Yvonne Haynes will be attending the ASWB new board member training which will be held in Chicago in August. The ASWB will fully fund the travel expenses of the participants and preapproval of each individual was granted by the Secretary of Health and Human Services.

Educational Summit. Ms. Chappell also reported that there has been interest expressed in scheduling another educational summit meeting to discuss ongoing concerns and trends of the current educational requirements of the regulations. She reported interest from colleges and universities in the D.C. area who might also wish to attend.

DISCIPLINE DEPUTY EXECUTIVE DIRECTOR’S REPORT – Patricia Larimer

Ms. Larimer reported that since the last meeting, the Board had received 12 new disciplinary cases and closed 14 old cases.

At the present time, there were 23 open, active cases for the Board of Social Work. Currently, 7 cases were being investigated by the Enforcement Division, 12 cases were at Board level to be reviewed for probable cause, 2 cases were to be scheduled for informal conferences, and 1 case was currently at the Administrative Proceedings Division level.

Ms. Larimer reported that the Board will conduct a formal hearing following the Board meeting.

Additionally, Ms. Larimer reported that 6 credential informal conferences were held on June 8, 2012 and June 22, 2012. The Board has 4 cases scheduled for credential informal conferences on August 31st, and still has 4 credential cases to schedule for informal conferences.

BOARD OFFICE UPDATE – Sarah Georgen

Staffing Update. Ms. Georgen stated that Board staff continues to work efficiently and effectively. She reported that there has been a noticeable increase in applications, phone calls and emails in the recent

months. Board staff has implemented efficiency measures which include electronic communication of supervision and examination approvals as cost-saving measures for the Board.

Licensing Activity. Ms. Georgen noted that during the last quarter, ending June 30, 2012, the Board was responsible for 5,865 licensees. Board staff received 244 new applications and registration requests, and licensed 94 new licenses during that quarter.

Re-Applying for Licensure. Ms. Georgen reported that a significant amount of applications have been received which are reapplications for licensure by examination. These applicants were required to re-apply for licensure by examination if they did not pass the examination by January 7, 2012. In order to re-apply, they must meet the current supervision and education requirements of the Regulations.

Supervision Submission Deadline. Additionally, Ms. Georgen stated that individuals whose supervision began before November 26, 2008, without prior written board approval, which met the requirements in effect prior to that date, must submit their supervision hours for consideration by November 26, 2012 as required by the current regulations.

PETITION FOR RULE-MAKING (SARAH CARTER) – Elaine Yeatts

Ms. Yeatts presented a petition for rule-making to the Board for consideration. The petition requested to amend regulations for licensure by endorsement to allow social workers from other jurisdictions to provide "verification of active practice in another jurisdiction for 36 out of the past 60 months"; or verification of active practice in another jurisdiction for 36 months at any time, plus verification that the applicant has completed 30 contact hours of continuing education in the 12 months preceding the application for licensure.

The Board considered the petition and comments. Upon a motion by Ms. Simon-Owens and seconded by Mr. Greene, the Board decided that rather than initiating a new regulatory action, which would necessitate a lengthy process, that the Board would consider the request during the comment period on the proposed regulations that are currently under review in the Governor's office. Since Section 18VAC 140-20-45 on licensure by endorsement has already been amended in the proposal, it would be possible for the Board to further amend that section during the adoption of a final regulation.

REGULATORY/LEGISLATIVE UPDATE – Elaine Yeatts

Ms. Yeatts stated that two sets of proposed regulations for the Board were awaiting approval: proposed regulations to provide for a fee increase and change in renewal cycle are at the Secretary's office; and proposed regulations to clarify licensure requirements are at the Governor's office.

REGULATORY COMMITTEE – Yvonne Haynes/Elaine Yeatts

Ms. Haynes reported that the Regulatory Committee met on June 25, 2012. She stated that Ms. Yeatts offered proposed statutory language regarding a "Resident" license and that this license may satisfy the Medicaid requirement to become "license eligible." Upon request of Ms. Horne-Quatannens, the Board asked Karen Kimsey, Director of Policy and Research with DMAS to provide clarification of their requirements. Ms. Kimsey reported that a "Resident" license would not be necessary to meet the requirements of DMAS' "license eligible" status. Upon a motion by Ms. Haynes and seconded by Ms.

Simon-Owens, the Board decided to refer this issue back to the Regulatory Committee for further discussion.

Ms. Haynes also reported that the Regulatory Committee will consider drafting a guidance document, similar to the document used by the Board of Counseling, regarding distance therapy and/or supervision. Ms. Haynes reported the possibility of organizing an ad hoc committee meeting with the three behavioral sciences boards to discuss security and ethical concerns regarding distance therapy as well as a social media policy.

CREDENTIALS COMMITTEE – Catherine Moore

Ms. Moore reported that the Credentials Committee met on April 20, 2012, immediately following the last Board meeting and considered 19 supervision and licensure requests. The Committee approved one (1) request to become a supervisor; approved one (1) request for an extension to take the ASWB examination; denied sixteen (16) applications due to insufficiently documented practicum, education and/or experience; and deferred one (1) application because additional information was needed.

The Committee discussed the need for a second educational summit. She noted that VCU, Norfolk State, George Mason University and Radford University had opportunity to participate in the 2008 meetings to develop regulations which define “clinical course of study” and also participated in the educational summit in July 2011 to discuss ongoing concerns and trends. She commented that an additional summit meeting would provide continued outreach efforts which would provide the opportunity to assist individuals with the educational component of the application process.

Additionally, she reported that the Committee met again before the Board meeting on July 20, 2012, and considered 9 supervision and licensure requests. The Committee denied seven (7) applications due to insufficiently documented practicum, education and/or experience; deferred one (1) application because additional information was needed; and approved one (1) application for examination.

OLD BUSINESS

Ms. Horne-Quatannens asked the Regulatory Committee to further discuss distance therapy at the next meeting and proposed development of guidelines for confidentiality to protect the public and practitioner as it relates to providing therapy to a client by electronic means.

NEW BUSINESS

Ms. Chappell presented possible dates for quarterly board meetings for 2013. The Board agreed to meet on January 25, 2013; April 19, 2013; July 19, 2013 and October 25, 2013.

Additionally, Ms. Chappell proposed a 2013 Educational Summit to discuss item topics which impact licensing. Ms. Horne-Quatannens suggested polling the schools and universities to determine the best date to hold the meeting and to invite MSW schools in the Washington, D.C. area to attend.

EXECUTIVE SESSION

Prior to entering into closed session to consult with counsel on recommendations from the Credentials IFC Committee, statements were received from two individuals regarding their applications under consideration. Sassan Jahanian and Jean Manlove each addressed the Board regarding their respective applications for licensure and provided information that could benefit the Board in making a decision regarding the Credentials IFC Committee's recommended decisions.

Ms. Moore moved that the Board of Social Work convene in closed meeting pursuant to §2.2 3711(A)(7) of the Code of Virginia in order to consult with legal counsel on the recommendation from the Credentials IFC Committee. She further moved that Howard Casway, Catherine Chappell, Patricia Larimer, and Sarah Georgen attend the closed meeting because their presence in the closed meeting was deemed necessary and they would aid the Board in its consideration of the matter. The motion was seconded and carried.

Reconvene:

Ms. Moore moved that pursuant to §2.2-3712 of the Code of Virginia, that the Board heard, discussed, or considered only those public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act and only such public business matters as identified in the original motion. The Committee agreed unanimously.

Sassan Jahanian: The IFC Credentials Committee concluded that Sassan Jahanian, LCSW applicant, failed to satisfy the requirements of 18VAC 140-20-50(B)(1) and recommended that his application by examination be denied. Ms. Haynes made a motion to accept the recommendation as presented. Ms. Moore seconded the motion. The motion passed, with one member abstaining (Simon-Owens) and one member who did not participate (Smith-Solan).

Donna Fengya: The IFC Credentials Committee concluded that Donna Fengya, LCSW applicant, failed to satisfy the requirements of 18VAC 140-20-50 as defined in 18VAC 140-20-10(B) and recommended that her application by examination be denied. Ms. Blosser made a motion to accept the recommendation as presented. The motion was seconded by Mr. Martin and carried, with one member who did not participate (Smith-Solan).

Jean Manlove: The IFC Credentials Committee concluded that Jean Manlove, LCSW applicant, failed to satisfy the requirements of 18VAC 140-20-50(B)(1) and recommended that her application by examination be denied. Ms. Smith-Solan made a motion to accept the recommendation as presented. The motion was seconded by Ms. Haynes and carried with three members opposed (Martin, Simon-Owens, and Horne-Quatannens) and five members for the motion (Moore, Smith-Solan, Haynes, Blosser and Greene).

Marianela Macedo: The IFC Credentials Committee concluded that Marianela Macedo, LCSW applicant, failed to satisfy the requirements of 18VAC 140-20-50(A)(2) as defined in 18VAC 140-20-10 and recommended that her application by examination be denied. Mr. Martin made a motion to accept the recommendation as presented. The motion was seconded by Ms. Moore and carried unanimously.

Ramona Brabson: The IFC Credentials Committee concluded that Ramona Brabson, LCSW applicant, failed to satisfy the requirements of 18VAC 140-20-49(B)(1) and (2) and recommended that her application by examination be denied. Mr. Martin made a motion to accept the recommendation as presented. The motion was seconded by Ms. Moore and carried unanimously.

Hannah Bergland: The IFC Credentials Committee concluded that Hannah Bergland, LCSW applicant, failed to satisfy the requirements of 18VAC 140-20-45(5) as defined in 18VAC 140-20-10(B) and recommended that her application by endorsement be denied. Mr. Martin made a motion to accept the recommendation as presented. The motion was seconded by Ms. Moore and carried unanimously.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 1:53 p.m.

Susan Horne-Quatannens, Chair

Catherine Chappell, Executive Director